



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,644	11/02/2001	Bernd Holz Auf Der Heide	112740-334	6765

29177 7590 05/25/2005

BELL, BOYD & LLOYD, LLC  
P. O. BOX 1135  
CHICAGO, IL 60690-1135

EXAMINER
----------

ZHOU, TING

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/031,644

Applicant(s)

HEIDE ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The amendment filed on 18 April 2005 have been received and entered. The applicant has cancelled claims 1-3. Claims 4-5 as amended are pending in the application.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 4 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 6,748,892 to Cannon et al. (Cannon).

Referring to claim 4, Cannon discloses a method for creating text (messages; i.e. col. 3, lines 1-8), the method comprising the steps of:

selecting a first information unit (addressee; i.e. Dispatcher) from a first selection set (i.e. Fig. 2; Addressee list);

providing each first information unit with at least one associated second information unit (canned message) from a second selection set (i.e. Fig. 2; Dispatcher's Message List); and

selecting a second information unit (canned message; i.e. "Delivery Complete"), and creating the text upon succession of further selected second information units. See col. 3, lines 9-29 and col. 4, lines 4-9.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon and U.S. Patent No. 6,710,453 (Croy).

Referring to claim 5, Cannon discloses that selecting an item from a first list (i.e. Addressee list) results in the display of a second list (i.e. Dispatcher's Message List), but Cannon does not explicitly show a graphical association between the second information units from the second selection set and the first information unit from the first selection set.

However, Croy teaches a method of displaying first information sets (i.e. Figs. 12-13, 1210) containing first information units (i.e. Topic, Time, Station, etc.), wherein each first information unit contains a menu (second selection set; 1215) of second information units (i.e. Movies, Sports, Entertainment, etc.), which is a hierarchical menu structure similar to the menu structure of Cannon. Croy displays a graphical association between the second information units from the second selection set and the first information unit from the first selection set via a graphical arrow (i.e. Fig. 12, 1225 and Fig. 13, 1325). See Croy at col. 7, lines 40-57 and col. 13, line 65 – col. 14, line 26.

It would have been obvious to one of ordinary skill in the art to provide a graphical association between the second information units (canned messages) from the second selection set (Message lists) and the first information unit (addressee) from the first selection set (Addressee list) of Cannon as done (i.e. via graphical arrow) in Croy in order for the user to easily trace his/her way through the hierarchical menu of Cannon as taught by Croy (col. 7, lines 53-55).

### ***Response to Arguments***

4. Applicant's arguments filed 12 November 2004 have been fully considered but they are not persuasive:

5. The applicant argues that the Cannon reference merely discloses the allocation of pre-prepared text message to different addressees and does not teach or suggest "creating text". The examiner respectfully disagrees. Cannon teaches a list of customized messages that can be chosen by the user and subsequently a message containing the selected message is created and transmitted to a selected, as recited in column 3, lines 1-29 and 45-60 and column 4, lines 6-12. In other words, upon user selection of a customized message, text is created in that a selected message containing the appropriate text is transmitted to a recipient in a message. As another example, if the users do not wish to select one of the customized message displayed for the selected addressee, users can select the option of displaying even more lists of possible messages; in other words, text is created upon this selection in that a list of default messages are created on the displayed, as recited in column 4, lines 48-67.

Art Unit: 2173

6. The applicant argues that the Cannon reference does not teach or suggest “selecting a second information unit, and creating the text upon succession of further selected second information units”. The examiner respectfully disagrees. As written above, Cannon et al. teach allowing users to select from lists of displayed information. For example, users can choose a first information unit from a first selection set, i.e. select an addressee from a list of addressees (column 3, lines 1-19) and according to the selection, a second set of customized messages corresponding to the selected addressee are listed on the display for user selection (column 3, lines 19-29); furthermore, users can select a second information unit, i.e. select one of the customized messages displayed, and upon completion of the further selected second information unit, i.e. when the user has successively selected a customized message from a list of customized messages, a message containing the selected message is created and transmitted to the recipient (column 3, lines 45-59 and column 4, lines 4-12). Therefore, Cannon teaches creating and transmitting a message to a recipient containing information selected by the user in a procedure with successive steps, i.e. the successive steps of selecting an addressee, selecting a customized message and transmitting the message.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 2173

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

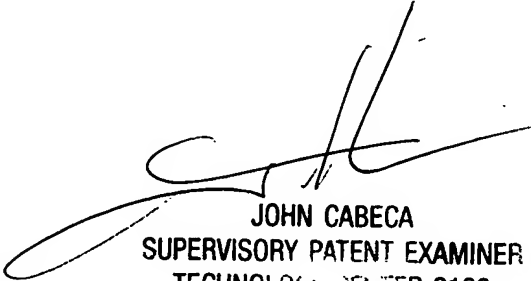
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100